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Richard Dobbs Spaight



Spaighl.

SKETCH OF THE LIFE
OF
RICHARD DOBBS SPAIGHT

OF NORTH CAROLINA,

BY JOHN H. WHEELER,

AUTHOR OF "HISTORY OF NORTH CAROLINA," &c., &c.

BALTIMORE:

WILLIAM K. BOYLE, PRINTER,

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1880.

RICHARD DOBBS SPAIGHT.*

THE recent centennial period of our nation was marked by a spirit of historic inquiry.

Congress, by a resolution of 13th of March, 1876, recommended to the people of the several States to assemble in their several counties or towns, at the approaching anniversary of our National Independence, and that they cause to have delivered on such day an historical sketch of said county or town, so that a complete record might thus be obtained of the progress of our Institutions during the first centennial of their existence.

This resolve was promulgated by the President, on 21st May, 1876, with the hope that the object of such resolution might meet the approbation of the people, and that proper steps might be taken to carry the same into effect.

The committee for the restoration of Independence Hall, in Philadelphia, invited the presence of the American Historians, Biographers and Literati at that place on the 2nd July, 1876, (the centennial anniversary of the Resolutions of Independence,) desiring that a biographical sketch of every individual, whose memory is associated with the building, during the early days of the Republic, be prepared and deposited on that day

*From advanced sheets of Col. John H. Wheeler's forthcoming volume, "Leading Men of North Carolina."

among the archives of the National Museum, with the request that "these sketches should not exceed two pages of foolscap."

When I accepted the invitation which I had the honor to receive in March, 1876, to prepare a Memorial of the Life and Character of Richard Dobbs Spaight, of my native State, I felt that his long and illustrious services, ample records of which I had in my possession, could not be detailed in the "two pages of foolscap." Hence the memoir presented on the occasion was "cribbed, cabined and confined;" and although kindly received, was not satisfactory, even to myself. This is the motive of giving a more extended, and, I trust, satisfactory record of one who had "done the State some service," over whom the dust of time was slowly gathering.

Richard Dobbs Spaight was born, lived and died in Newbern, North Carolina.

There are few States of "the old thirteen," that declared Independence in 1776, whose early history is more marked by interesting incident, or by acts of patriotic resolve and daring, than North Carolina. None is so little known to our Nation at large.* It was on her shores

*From 3rd volume of "Voyages and Discoveries of the English Nation, by Richard Hakluyt," printed at London, 1600, page 301:

"The first voyages made to the coast of America, with two barks, wherein were Captains Philip Amadus and Arthur Barlow, who discovered the country now called Virginia, anno 1584, written by one of said Captains, and sent to Sir Walter Raleigh, Knight, at whose charge and direction the said voyage was set forth:

"On the second of July, we found shole water, when we smelt so sweet and stirring a sneeble as if we had been in the midst of some delicate garden abounding in all kind of odoriferous flowers, and *on the fourth* we arrived on the coast. After thanks given to God for our safe arrival thither, we manned our boats, and went to take possession of the same, in the right of the Queenes most excellent Majestie, as rightful Queene and Princesse thereof?"

that the Englishman first landed on the Western Continent, on Roanoke Island, in 1584.

The first declaration of independence of the English crown was made in North Carolina. The fearless men of Mecklenberg, more than a year in advance of the National Congress, assembled in May, 1775, and declared independence. The documents in the foot note are from the records of the English government, and are beyond any cavil.*

“We found the people most gentle, loving and faithful, voide of all gnile and treason, and such as live after the manner of the golden age. They call the Island, Raonoak, distant from the harbour we entered seven leagunes.” Page 304.

This was the first landing of the English on our continent, and is located in the present county of Dare, in the extreme eastern part of North Carolina.

The first conflict in arms between the regular forces of England and the Colonists occurred at Alamance, in North Carolina, on 16th May, 1771.

The conduct of the Officers of the Crown towards the people was marked by oppression and fraud. The people petitioned in vain to the Governor (Tryon) for redress. But failing to obtain this, made open resistance. Governor Tryon, with a force of more than 1100 men, met the Regulators, as they were termed, led by Herman Husbands and others, five miles west of Great Alamance river, on the road leading from Hillsboro to Salisbury, and a conflict ensued in which sixty men of the royal forces were killed. The Regulators, after a conflict of two hours, were routed, leaving many dead and many wounded. Thus, and here, was the first blood spilled in these United States in resistance to the exactions of English rulers and the oppressions of the English Government. The great principles contended for by the Regulators—the rights of the many against the exactions of the few—the right of the people to resist all taxes not imposed by their representatives—the right to know for what they paid taxes, and how said taxes were appropriated—were the principles for which, in 1776, independence was declared. The official account of the Royal Governor, Tryon, of this battle, is given in Wheeler’s History of N. C., Vol. 2, p. 16.

*From State Paper Office, London, Vol. 1, p. 204. Extract from a Dispatch from Governor Martin to Secretary of State, dated

(CONTINUED.)

Among such a race of people, and animated by such principles, the subject of this sketch was born, lived and died. A faithful record of his services will command the deepest interest in the History of the State in which he was a prominent actor.

Biography has one advantage over History. Both are recorded narratives. While History details facts relative to Nations, Biography gives us the minute acts

“FORT JOHNSTON, NORTH CAROLINA, 30th June, 1775.

“The Minutes of the Council held at this place the other day will make the impotence of the Government here as apparent to your Lordship as anything I can set before you.

“The situation in which I find myself is indeed, my Lord, most despicable and mortifying. I live, alas, inglorious, only to deplore it. The resolves of the Committee of Mecklenberg, which your Lordship will find in the enclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of the Continent have yet produced, and your Lordship may depend its authors and abettors will not escape when my hands are sufficiently strengthened to attempt the recovery of the lost authority of the Government. A copy of these resolves was sent off, as I am informed, by express, to the Congress at Philadelphia, as soon as they passed in the Committee.”

This authentic record from the archives of the English Government places this fact beyond all cavil, doubt or question.

Extract from the Proclamation of Josiah Martin, Governor, &c., of His Majesty’s Province of North Carolina:

“ON BOARD OF HIS MAJESTY’S SLOOP, THE CRUISER, }
IN CAPE FEAR RIVER, Aug. 8th, 1775. }

“Whereas, I have seen a most infamous publication in the *Cape Fear Mercury*, importing to be the resolves of a set of people styling themselves a Committee for the county of Mecklenburg, *most traitorously declaring the entire dissolution of the Laws, Government and the Constitution of this country, and setting up a system of rule repugnant to the Laws, and subversive of His Majesty’s Government:*

“I do hereby forewarn the people against such act, and conjure them to persist and pursue in their duty and allegiance.”

NOTE.—These records were copied by me from the records in the State Paper Office, Chancery Lane, London, 1864. J. H. W.

of individuals. The one, like the splendid cartoons that decorate the walls of our National Capitol, presents to the dazzled eyes of the spectator numerous forms and faces, each distinct and different; the other, like the matchless marble of Houdon, or Greenough, unveils a single figure, in all its perfect proportions.

“A combination, and a form indeed,
Where every God did seem to set his seal,
To give the world assurance of a MAN.”

Indeed, a faithful biography of any distinguished individual is often the most satisfactory account of the scenes and occurrences in which he was a conspicuous actor. The life of Washington by Marshall is the best record of the Revolutionary War.

The town of Newbern,* where Governor Spaight was born, is situated in the eastern part of North Carolina, at the confluence of the Neuse and Trent rivers.

Around this ancient and classic town are clustered many memories of rare interest. It received its name from the emigrants from Switzerland, in memorial of the vine-clad city of their fatherland. Here landed the Palatines from the Rhine, led by the adventurous De Graafenreidt (1709,) whose valor resisted the inroads of the savages, and whose industry made the “wilderness blossom as the rose.” Here was the seat of Royal Government, long directed by the rule of Governor Dobbs; and here his successor, Tryon, held his court, and raised a palatial mansion, more ornate and princely than any at the time in America. From that day to the present, Newbern has been known and distinguished for intelligence, patriotism and hospitality, which have won for it the name of “the Athens” of North Carolina.

In this town, on the 25th March, 1758, was Richard Dobbs Spaight born.

* More frequently now written New-Berne.

His father, Richard Spaight, was a native of Ireland, of an ancient and honorable family which still preserves its rank.* He was appointed by order of the King and Council, dated 4th February, 1757, one of the Council of Governor Dobbs; and on the death of Henry McCulloch, he was made the Secretary of the Crown in the Province of North Carolina—a position, in importance, next to that of the Governor.

A list of the civil officers of North Carolina at this time is given, which may interest the antiquarian and some of their descendants who are yet among us.†

*See Burke's Landed Gentry.

†Extract from a Dispatch of Governor Dobbs to the Board of Trade, as to the condition of the Province of North Carolina, dated 1762.

“The names of the Civil Officers on the Establishment are:

RICHARD SPAIGHT, Secretary and Clerk of the Crown, appointed by the Governor in 1756, in place of Henry McCulloch, deceased.

MR. BERRY, Chief Justice, appointed by warrant from the Crown in 1759, in place of Mr. Henly, deceased.

MR. HASELL, Baron, appointed by the Governor in 1760, upon Mr. Rieusset's resignation.

HON. AND REV. MR. CHOLMONDELY, Auditor by patent on reversion from the Crown, upon death of Lord Walpole.

ROBERT JONES, Attorney General, upon Mr. Child's resignation, by warrant from the Crown in April, 1761.

MR. RUTHERFORD, Receiver General, restored by the Lords of the Treasury, after having been suspended in 1759.

MR. MCGUIRE, Judge of the Admiralty, appointed by the Governor in place of Mr. Ross, deceased, in 1760.

MR. MARM. JONES, MR. CHARLTON, and MR. DEWEY, appointed by the Governor, Judges, in pursuance of an Act of Assembly passed 1760, to erect five Superior Courts.

JOHN STARKEY, THOMAS BARKER, Treasurers of the Northern and Southern Districts.

MR. PALMER, Surveyor General, appointed by warrant from the Crown in 1753; also the Collector of the Port of Bath.

MR. DRY, Collector of Port of Brunswick.

MR. RIEUSSET, Collector of Port of Roanoak.

Mr. Spaight served as Pay Master to the troops raised by North Carolina to aid General Braddock; in which campaign Washington took his first lessons in war. He married Margaret Dobbs, the sister of Governor Dobbs,*

MR. WHITEHALL, Collector of Port of Currituck.

MR. McCULLOCK, Collector of Port of Beaufort.

These are all appointed by the Lords of the Treasury in England, and salaries paid from thence. The other officers are paid out of his Majesty's quit rents. The Auditor £100 per annum, Chief Justice £70, Baron £40, Surveyor General £40, Secretary as Clerk of the Crown £25, Attorney General £80." *From Records of Board of Trade, N. C.*

*We give the genealogy of the Dobbs family from which Gov. Spaight descended, by his mother's side, from authentic sources. In our country, especially in the South, we are behind the age as to genealogy. In England, the subject is one of elaborate research. In New England genealogical societies abound, sustained by a Quarterly Periodical. Every family in this section is proud of a genealogical-tree. Annual meetings occur under their ancestral roof-tree, where traditions, hallowed by time, are preserved, the lines of consanguinity traced, and the ties of affection strengthened. Some may, with pragmatic indifference, deride such efforts, but surely no one can be insensible to the satisfying feeling of having descended from an honest and virtuous ancestry, and of being connected with persons of unsullied reputation, of genius and intellect. It instils a hatred of inactivity and vice, and stimulates to usefulness and virtue. *From Dictionary of American Biography.* By Francis Drake. Boston: Osgood & Co., 1872.

DOBBS, Arthur, Gov., of N. C., born in Ireland, 2nd April, 1689, and died at Town Creek, N. C., on 26th March, 1765. He was a man of letters, of liberal views, had been a member of the Irish Parliament, and distinguished for his efforts to discover the North West passage. As Governor of N. C., he adopted conciliatory measures toward the Indian tribes, but his administration was a continued struggle with the Legislature on unimportant matters, displaying on his part an ardent zeal for royal prerogatives, and an indomitable resistance on the part of the colonists. He was the author of "An Account of the Countries Adjoining the Hudson Bay," (4to., London, 1748.) "Trade and Improvement of Ireland," (8vo., Dublin, 1729.) and "Captain Middleton's Defence," (8vo., 1744.) (CONTINUED.)

whose administration, as ruler of North Carolina, was in tumultuous times. The high estimate that Governor Dobbs placed on his prerogatives as the representative of royalty, was sternly opposed by the people and their representatives, and produced angry and violent collি-

DOBBS OF CASTLE DOBBS.

From *Genealogical and Heraldic Dictionary of the Landed Gentry of Great Britain and Ireland*, &c. By J. Bernard Burke. London: Colburn & Co., 1853.

"This family was established in Ireland by John Dobbs, who accompanied Sir Henry Dockwod to that country in 1596, and was subsequently his Deputy as Treasurer for Ulster. This John Dobbs, who is stated to have been grandson of Sir Richard Dobbs, Lord Mayor of London in 1551, married Margaret, only child of John Dak-way of Ballyhill, and had by her two sons, Foulk and Herenles.

"Foulk was lost with his father, returning from England; and Hercules, who succeeded to his father's property, married Magdalen West, of Ballydougan co., Downs, and left an only son.

"Richard Dobbs, who died in 1701, leaving his estate to his younger son, (his eldest turning Quaker, was disinherited,) Richard Dobbs, of Castletown, born 1660. He married (second time) Margaret Clingston, of Belfast, by whom he had three daughters. Among them Margaret, who married RICHARD SPAIGHT. He was High Sheriff of Antrim in 1694, and died in 1711. His eldest son was

ARTHUR DOBBS, born on 2nd April, 1689; he was High Sheriff of Antrim in 1720; for many years Member of Parliament for Carrickfergus; married Anne, daughter of Capt. Osburn of Drogheda, and relict of Capt. Norbury, by whom he acquired an estate at Timakoe, and had Conway Richard (his heir,) Edward Brice, Frances, and Mary who married Dean Ryder. Mr. Dobbs was appointed Engineer and Surveyor General of Ireland, and in 1753 was sent out as Governor of North Carolina, where he acquired great possessions, and died there.

His son Conway died at Belfast in 1811, and was succeeded by his eldest son, Richard Dobbs, who married Nicolini, daughter of Michael Obyns, of Portown, and had issue, Conway Richard, the present representative of the family, who resides at Castle Dobbs, Antrim, Ireland.

Crest: Unicorn's head.

Motto: "Amor Dei et proximi summa beatitudo."

sions between the Executive and Legislative Departments of the Government.

So frequent and fierce were these contests between the governor and the Legislature, that the aged hands of Gov. Dobbs (now in his 76th year) were strengthened by the Government at home by the appointment of William Tryon as Lieutenant Governor, and who, upon the death of Gov. D. in 1765, became Governor of the Colony of North Carolina.

A county was formed in 1754, called Dobbs county; but in 1791 the name was abolished and the territory divided into Lenoir and Glasgow counties. In 1799 the latter was changed to Greene.

A fort was erected in Western North Carolina called Fort Dobbs; and the Governor owned large landed possessions on Rocky River.

Such were the ancestors of Richard Dobbs Spaight, who at the time of the death of his uncle, was seven years old. His parents died soon after. At the age of nine he was sent abroad to receive an education, which was finished at the University of Glasgow, in Scotland.

On hearing that his native land was involved in war, he returned in 1778 to America; and although not trained to arms by education or tastes, he promptly tendered his services, then only twenty years old, to Gen. Richard Caswell, who commanded a North Carolina brigade in the Southern Army under General Gates, and served as *aid-de-camp* to General Caswell at the ill-fated battle of Camden, (16th Aug., 1780,) where the British, under Lord Cornwallis, defeated the Americans under Gates. Baron De Kalb, Major Porterfield, and many others fell in battle, and Gen. Rutherford and others were taken prisoners. The victory of British arms was complete, and the hopes of the patriots for a time were crushed. Gates retreated to Hillsboro, where the Legislature was in session, with Governor

Nash presiding. A Court of Enquiry censured Gen. Gates, and Gen. Greene was appointed Commander of the Southern Army.

This unhappy experience in war did not improve the taste of Mr. Spaight for the profession of arms. But he was destined to figure in scenes in the great drama of life, the duties of which demanded equal courage and sacrifices, and in which battles and blood were the inevitable consequences. He returned home, and on attaining his majority, the next year, was elected a member of the General Assembly from the boro' of Newbern, and re-elected in 1782 and 1783.

By the latter Assembly, he was elected a member of the Congress (confederation) which assembled at Annapolis on the 23rd December, 1783, with Hugh Williamson, (the Historian of North Carolina) who, like Mr. Spaight, had been in the army, and like him was in the battle of Camden, and Benjamin Hawkins (afterwards a Senator in Congress, 1789,) as colleagues. On that day, Mr. Spaight witnessed the resignation of George Washington to Congress of his commission as Commander-in-Chief of the Armies of America, an epoch ever memorable in the annals of our nation. In this illustrious body Mr. Spaight, although one of the youngest, (being only 25 years old,) was also one of the most useful and active members. His portrait in this body of *Patres Cons scripti*, by Trumbull, is preserved, and now graces the rotunda of the Capitol. By this body his talents were duly appreciated, since he was placed on many of the most important committees, to which subjects of the gravest character were referred. He was on a committee headed by Thomas Jefferson, to devise a plan for the temporary government of the western territory.

On the 29th of the same month he was elected, by ballot of the Congress, one of the Committee of States, which body possessed and wielded all the powers of government. This body had the power to appoint all civil and military officers, and to repeal any act of Congress. The Committee of States met on the 4th of June following, at Trenton, New Jersey; Samuel Hardy, of Virginia, was chosen Chairman. The journals of this body prove that Mr. Spaight was an attentive, active, and useful member.

He was elected by the Legislature of North Carolina, in January, 1787, a delegate to the Convention to form the Constitution of the United States, which body met at Philadelphia on the 14th of May following, and was presided over by George Washington. His colleagues were William Blount (appointed, *vice* Richard Caswell,) and Hugh Williamson (appointed, *vice* Wilie Jones.*). In this body Mr. Spaight took an active part. He proposed and urged that the selection of the members of the Senate should be made by the States, and that the term of service should be seven years. (Elliott's Debates, page 86.) He also proposed that the Executive term should be seven years. The records of this body prove that his attendance was regular, and that he manifested a deep interest in the vital questions discussed. No member was more conversant with their deliberations, which knowledge was usefully displayed in a Convention which assembled at Hillsboro', on the 21st July, 1788, to deliberate and determine the proposed plan of the Federal Government. He proved himself the ready and able exponent of the Con-

*The celebrated Naval hero, John Paul Jones, whose name was originally John Paul, came to North Carolina after leaving Scotland, and visiting Wilie Jones and his brother, and their families, became so warm an admirer that he took their name "Jones."

stitution and its fearless advocate; and although a decided Jeffersonian republican, he was coadjutor of Davie, Johnstone, Iredell and others, in urging its adoption. But all in vain. He might well have exclaimed, as Hector did of Troy:—

“Si Pergama dextra
Dependi possent etiam hac defensa fuissent.”*

This Body rejected the Constitution by 100 votes. Thus North Carolina presented the anomalous condition of a State originally in the confederation, and yet not in the Union. Consequently North Carolina did not vote in the first Presidential election. This rejection produced much apprehension among the friends of the Government, among whom was Governor Spaight, and specially General Washington. On the invitation of Governor Spaight, Washington visited North Carolina with the hope of influencing the people in favor of the Constitution. Such was the effect of their counsels, that subsequently the State in Convention, at Fayetteville on the 21st November, 1788, ratified that Instrument, and North Carolina became a member of the Union. General Washington made an extensive tour in North Carolina; he was in Salem and Salisbury, and did much to render the new Constitution† popular. In this he was aided by Governor Spaight, and other patriots of the day.

*If Troy could have been defended
This right hand had done it.

†When alluding to Constitutions, it may be well to remark that by many it is supposed that our Constitution, as a State, formed as early as the 18th December, 1776, at Halifax, was one of the first State Constitutions formed, if not the first, and so ably formed that it stood for nearly sixty years without amendment. This is error. When the Revolutionary War had commenced, and the existence of

After this long and laborious service in Constitutional Conventions (Federal and State,) the health of Mr. Spaight gave way, and he retired, for this cause, from any public duty. The West Indies, and other mild climates, were resorted to for alleviation and relief, but he never again enjoyed perfect health. But his age (then only 30,) his firmness, patience and regular habits so far triumphed, that after an absence of four years from public service, he was enabled to return home, determined to spend the remainder of his life in repose and retirement. But such was the appreciation of his services by his fellow citizens, and their admiration for his talents and his character, that in 1792 he was elected a member of the Legislature, and by that body he was chosen Governor of the State. He was the first native of North Carolina that was chosen as her Chief Magistrate. It is not very complimentary to the State that her first seven Governors, from Caswell (in 1776) to Martin (in 1792,) and all of the signers of the Declaration of Independence, were born in other States.

Fortunately for the enfeebled health of Governor Spaight, his administration had fallen on the mild rule of General Washington, whose prudent and sagacious

some other government than that of England was a necessity, the Continental Congress, by a resolve of the 3rd November, 1775, recommended to the Colonies to adopt such government as should best conduce to their safety.

New Hampshire	formed a State Constitution on	December, 21st, 1775.
South Carolina	.....	March 26th, 1776.
Virginia	.....	June 19th, 1776.
New Jersey	.....	July 10th, 1776.
Pennsylvania	.....	August, 12th, 1776.
Delaware	.....	August 19th, 1776.
North Carolina	.....	December 18th, 1776.
Georgia	.....	February 5th, 1777.
New York	.....	April —, —.

Jamieson on Constitutional Conventions.

policy commanded the support and admiration of his countrymen, and party spirit was subdued and silent. And, too, from the limited executive powers prescribed by the State Constitution, the duties of Governor did not require any great intellectual exertion. The framers of the Constitution in 1776 had witnessed and had become so disgusted with "high fantastic tricks" of the Royal Governors, that they vibrated to the other extreme, and gave to the Executive but little power and less patronage. This was expressed by a member of the body which formed that instrument, when on his return home he was asked what powers were vested in the Governor by the Constitution, replied: "Power, sir! Only the power to sign a receipt for his salary, and nothing more."

In 1793, while Governor, he was elected and served as Elector for President and Vice-President, and again in 1797. It was during his administration that the Legislature met, for the first time, in the city of Raleigh, on 30th December, 1794. The place for the meeting of the Legislature had hitherto been undetermined: First, at Little River, in 1715, in Perquimans county; then at different places, depending on the will of the Governor, or the caprice of the Legislature—Edenton, Fayetteville, Hillsboro, Kingston, Newbern, Smithfield, Salem, Tarboro, Wake Court House, and perhaps other points, have enjoyed this honor.*

This necessarily produced great confusion in the early records of the State, and many were misplaced and lost.

The Convention that met to consider the Federal Constitution in 1788, appointed ten commissioners, who met in 1792, and selected the place where it now is.

*Address of Hon. Kemp P. Battle, on "Early Days of Raleigh," 1876.

During the administration of Governor Spaight, the Indians in Western North Carolina became troublesome, in the new county of Buncombe, which had been recently created (1791.) He appointed in July, 1794, D. Vance, ancestor of the present Governor of the State, Colonel, with authority to raise "scouts or patroles," for the protection of the frontier.

The difficulties between France and England, and other European Governments, caused Governor Spaight to issue on 25th September, 1793, a Proclamation enjoining strict neutrality between the belligerents. He believed and practiced the wise policy of Washington—friendship with all nations and entangling alliances with none. He ordered the privateers, which were being fitted out at Wilmington, to be seized. This involved him in a controversy with Timothy Bloodworth, then a Senator in Congress, and with William H. Hill, the District Attorney of the United States. Governor Spaight received the acknowledgments of the President and Secretary of War, (H. Knox,) for his prudent and patriotic conduct. On the 26th of March, 1794, the embargo was laid; war with England was imminent. In May following, Governor Spaight was requested by the President to raise and equip 7331 men in May, 1794. On the 4th of March, 1794, the Wilmington Light Infantry formed a company.

The Governor of Massachusetts, Samuel Adams, on the 9th of October, 1793, informed Governor Spaight that in a suit of *Vassal vs. Massachusetts*, the Governor, (then John Hancock,) had been cited to appear; that the Governor doubted and disputed this right of the Court, and had summoned the Legislature, which had declared against the exercise of such power, and soliciting our Legislature to consider the question. The Legislature of North Carolina, in response, passed

similar resolutions, denying the right and power of the Court.

A similar point was raised by Mr. Jefferson, who, when President, was summoned in the case of *United States vs. Burr*, at Richmond, and recently the point was raised in Pennsylvania by Governor John F. Hartranft.

The subject of education was one very dear to Governor Spaight. During his term of office, the University had been located at Chapel Hill, and by a previous Act, (1789,) he was one of the Trustees appointed, the Board of which was composed of Johnstone, Iredell, Davie, Williamson, Cabarrus, Blount, Mebane and other distinguished men of the State.*

The letter-book of Governor Spaight shows other but less important matters, but in all his deep interest in the welfare of the State.

After serving his constitutional term of three years, Governor Spaight was succeeded in 1795 by Samuel Ashe, and he retired, as he hoped, forever from the cares of public life. About this time, being then thirty-seven years of age, he married Miss Mary Leach, of Honesburg, Pa., who was of the highest social position, and of one of the oldest and most influential families.

But circumstances seemed to defy his expectations of retirement. Nathan Bryan, a member of the House of Representatives from the Newbern District died, and a successor had to be elected. The public voice demanded again the services of Governor Spaight. He was elected, and took his seat in Congress on the 10th of December, 1798, (3rd Session, 5th Congress,) Jonathan Dayton, of New Jersey, being the speaker. He was re-elected a member of the 6th Congress, from 1799 to the 4th of March, 1801. Theodore Sedgewick, of Massachusetts,

*Hon. B. F. Moore on University of North Carolina, 1877.

was the Speaker. His feeble health during these terms, as the Journals show, prevented his taking an active part in the proceedings. He did not take his seat in the 6th Congress until the 2nd of January, 1800. His colleagues were Timothy Bloodworth and Jesse Franklin in the Senate, and Willis Alston, Jos. Dixon, William Barry Grove, Archibald Henderson, Wm. H. Hill, Nathaniel Macon, Richard Stanford, David Stone and Robert Williams, in the House.

This was a dark period in the history of our Republic. Questions of the gravest character were debated with ability, virulence and zeal. The Alien and Sedition laws were advocated by the friends of the Administration, and other obnoxious measures.

For the first time in our history the election of a President devolved upon the House of Representatives in Congress. On counting the votes of the States, (138,) it was reported by the tellers that of these votes Thomas Jefferson received 73 votes, Aaron Burr 73 votes, John Adams 65 votes, C. C. Pinckney 64, and John Jay 1.

There being no choice by the people, the House proceeded, on the 11th of February, 1801, in the manner prescribed by the Constitution, to the choice of a President of the United States. On the first ballot, eight States voted for Thomas Jefferson; six States voted for Aaron Burr, and the votes of two States were blank. The balloting continued, with the same results, until Tuesday, the 17th of February, when, on the 36th ballot, the Speaker declared that Mr. Jefferson had received the votes of ten States; that Mr. Burr had received the votes of four States, and that the votes of two States were blank. Consequently, Mr. Jefferson was elected. (See Hickey's *Const.*, 314.)

Governor Spaight voted invariably with Alston, Macon, Stanford, Stone and Williams for Jefferson; while Dickson, Grove, Henderson and Hill voted for Burr. Gen. Dickson finally voted for Jefferson. (See *Annals of Congress*, 1801.)

This, as has been stated, was a critical period in the history of our Government. The very foundations of the Constitution seemed to be broken up, and the deluge of anarchy and confusion to overspread the land. Then

“Shrieked the timid and stood still the brave.”

But the ark finally outrode the storm, and rested on the Ararat of safety. The crisis was rightfully settled, for it was patent to all, then, as is to all now, that Mr. Jefferson and Mr. Adams only were the contending candidates for President, and that Mr. Jefferson received a majority over Mr. Adams in the popular as well as the electoral vote. Hence the advocacy of the claims of Mr. Burr was instigated on the part of his friends by party passion and deliberate fraud, and on his part by unhallowed ambition.

“The sin whereby the Angels fell.”

This difficulty for the future was remedied by an amendment (Article XII) to the Constitution. Other amendments in this respect are demanded by recent experience, and which doubtless will receive the consideration of Congress.*

When in England in 1864, conversing with a member of Parliament, who was well informed and curious as to

*Mr. Jefferson, in a letter dated 12th July, 1816, to Samuel Kercheval, insists that no Constitution ought to go longer than twenty years without an opportunity being given to the people to alter or amend it. (See *Jefferson's Works*, vii: 9.)

the workings of our government, I was asked if we had any tribunal which had the power to examine and settle a contested election for President, in cases of alleged fraud, error or corruption. When informed there was none, he pronounced "our government a rope of sand, which the first storm of popular phrenzy might shatter to pieces." In the Appendix is presented the views of Lord Macaulay on our Government.* In the private memoirs of Washington, by Curtis, General Hamilton, as to our Constitution, said to General Washington: "Now, mark my words, so long as we are a young and virtuous people, the Constitution will bind us together in mutual interests, in mutual welfare, and in mutual happiness; but when we become old and corrupt, it will bind us no longer."

Thus far our Republic has stood the shocks of foreign war and intestine convulsions for a century, and is the acknowledged peer of the most prosperous nation on earth. May we not hope that it will be perpetual?

"Thou, too, sail on, O ship of State
Sail on, O Union, strong and great
Humanity, with all its fears,
Is hanging breathless on thy fate.
We know what masters laid thy keel,
What workmen wrought thy ribs of steel.
Who made each mast and sail and rope,
What anvils rang, what hammers beat,
In what forge, in what a heat,
Were shaped the anchors of thy hope."

After the excitement and labors of this extraordinary session of Congress, Governor Spaight returned home exhausted, with the fixed purpose of retiring from public life. He declined a re-election to Congress, and sought repose. But the accession of the Republican party to power and patronage, added fresh fuel to the desperate fortunes of the federal forces, and party spirit,

*See Appendix.

in demoniac fury, raged with a ferocity unparalleled in the history of our country, before or since. Governor Spaight was the accepted and acknowledged leader of the Republican party, while Mr. Stanly was the astute and able advocate of the Federalists.

The people demanded then the continued services of Governor Spaight, and elected him to the State Senate. Mr. Stanly was elected in that year (1801) the member of Congress from the Newbern District. Frequent discussions between these champions of the two parties occurred.* It is recorded that the conduct of Governor Spaight in these discussions was marked by the strictest decorum; while he respected the feelings and rights of others, his manhood repelled any attempt to impugn his sincerity or honor. The correspondence shows that the course of Mr. Stanly was personal and caustic. He charged that Governor Spaight *dodged*, under the pretence of sickness, when any important vote, on any objectionable measure, was taken in Congress. This aspersion was repelled by Governor Spaight in a handbill, which Mr. Stanly denounced "as containing humiliating filth," and for which he sent a challenge to Governor Spaight to mortal combat; and although, like Hamilton, no advocate of violence or of duelling, Governor Spaight, like Hamilton, accepted promptly the call, and also, like Hamilton, he fell. From his enfeebled condition—for he could scarcely hold steadily a pistol—he might have declined the invitation. This tragic event caused a deep sensation throughout the whole country, and is still remembered with mournful interest.

In the "Recollections of Newbern Fifty Years Ago," by Stephen F. Miller,† it is recorded that "this duel

*Address at Newbern of Rev. J. T. Irving, on the death of Governor Spaight.

†See *Our Living and Our Dead*, Raleigh, January, 1875.

was fought on 5th September, 1802, behind the old Masonic Hall, in the outskirts of Newbern. An eye witness (Thomas Brown, since Postmaster at Trenton,) informed me that on the second fire the bullet pierced the coat collar of Mr. Stanly; on the fourth fire General Spaight was mortally wounded, and died the next day. Criminal proceedings were instituted against Stanly." The petition of Mr. Stanly for pardon from the Governor (Williams) may be found in the History of North Carolina,* and also a copy of the challenge and acceptance. A funeral oration was delivered over his remains by his Rector and life-long friend, Rev. J. T. Irving. Two life size portraits of him are preserved in the Independence Hall, in Philadelphia.

When aware that the wound was mortal, Governor Spaight met his fate with that patience under suffering that had so long been his lot, and with that magnanimity which marked his character. As a statesman, he was pure and patriotic; as a parent, sincere and affectionate; his memory and his services are held in respect and veneration.

"——— He was not born to shame,
Upon his brow shame was ashamed to sit,
For it was a throne where Honor might be crowned
Sole monarch of the universal earth."

We have traced the genealogy of his family, (on his mother's side,) from 1596, and his own career from his cradle to his grave. Our sketch would be incomplete without some notice of his descendants, to whom he left a large estate. Of his marriage with Miss Leach, two sons and one daughter survived him.

I. RICHARD DOBBS SPAIGHT, JR., born in 1796, in Newbern; educated at the University; where he gradu-

*See Wheeler's History of North Carolina, 11, 112.

ated in 1815, in the same class with John H. Bryan, Rev. Francis L. Hawks, Willie P. Mangum and others. He studied law; elected to the Legislature in 1819, 1820, 1821 and 1822; elected member of Congress 1823 to 1825; again elected in 1825 to the Senate of the State Legislature, and in 1834 elected by the Legislature, Governor of the State. He was the last Governor elected by the Legislature, for the Constitution, amended in 1835, transferred the election of Governor from the Legislature to the popular vote. He died unmarried in 1850.

II. CHARLES B. SPAIGHT, born about 1800, in Newbern; educated at the University, at which he graduated in 1820, in the same class with B. F. Moore, Wm. H. Battle and others. Studied law; in the Legislature in 1829-1830. Died in 1831, unmarried.

III. MARGARET SPAIGHT, who married HON. JOHN ROBERT DONNELL. Judge Donnell was a native of Ireland, born near Londonderry in 1791; came to North Carolina when eight years of age, under the auspices of a wealthy uncle, Robert Donnell, who resided at Kingston, Lenoir county. He was educated at the University at which he graduated with the first honors in 1807, in the same class with Gavin Hogg and others, then only 16 years old. He studied law, and was a successful and popular advocate. In 1815 he was elected the Solicitor of the Newbern District, and in 1819 he was elected Judge of the Superior Courts of Law and Equity, which high position he resigned in 1836.

It is a beautiful illustration of the workings of our republican system of government, and which has brought many men of energy, learning and talents to our shores from abroad, that foreign birth is no impediment to success, and that without any friends, save such as virtue and talent may secure, and no fortune but princi-

plies of honor and justice, foreigners may, and often do, attain to the highest positions of trust, honor and profit in our Republic. This wonder-working principle has no parallel in the history of any nation, ancient or modern, and is justly a source of national pride. How long would Gallatin have had to live in England to have become a member of the House of Lords? or how long would Hamilton had to live in France to become a Chief Minister of the Treasury?

In his official duties, Judge Donnell was learned, patient, polite and incorruptible; a man of strict integrity and spotless reputation, as well as a kind, considerate and indulgent parent, and an obliging and generous neighbor. He wisely eschewed the allurements of polities, and devoted himself to his profession, to his family and his property. By skilful management of the large property which he had obtained by his own industry and inheritance from his uncle, and by marriage and its connection, he was possessed of a liberal and ample fortune. This was, however, much impaired by the vicissitudes of war. At the time of his death at Raleigh, on the 15th of October, 1864, he was a refugee from his princely home and estates after the Federal occupancy of Newbern. His descendants are:—

1. RICHARD SPAIGHT DONNELL,* who was born about 1819; educated at the University, at which he graduated in 1839, in the same class with Clarke M. Avery, Dennis D. Ferebee, Thomas D. Meares, and others. He was distinguished as a lawyer. His first public service was as a member of Congress in 1847-1849. He was elected to the Legislature from Beaufort county, in 1861, 1862, 1863 and 1864. He was twice elected Speaker of the House. He died unmarried in 1867.

*See Appendix.

2. MARY, was the second wife of the Hon. Charles B. Shepard. Mr. Shepard was a native of Newbern; born 5th December, 1807; educated at the University at which he graduated in 1827, in the same class with A. O. P. Nicholson, of Tennessee, Warren Winslow and others. He was the son of William Shepard, who was also the father of William B., James B. and Frederick B.* Their mother was a Blount of the old and distinguished family of that name in North Carolina and in England. Their Aunt (Hannah Shepard) married Mr. Biddle of Philadelphia. She was the mother of Commodore Biddle and Nicholas Biddle, the celebrated financier. He was elected a member of the House of Representatives in Congress from 1837 to 1841, and died 26th October, 1843, leaving a son by a former marriage, and two daughters. One of whom, (Mary,) married James A. Bryan, of Newbern, whose mother was a Miss Washington, and has one child, Charles S., now in the 14th year of his age, and Margaret, who married Samuel S. Nelson, of New Orleans, and is now a widow.

3. FANNIE DONNELL, married James B. Shepard. Mr. Shepard was a native of Newbern; born 14th November, 1815. Educated at the University of North Carolina, at which he graduated in 1834. Studied law. In 1839, appointed by the President, United States District Attorney for North Carolina. In 1842 and 1844 he was a member of the Legislature from Wake county. In 1846 a candidate for Governor, opposing Governor Graham, and in 1848 a candidate for Congress, opposing General Lawrence O'B. Branch. He died in Raleigh, on 17th June, 1871, soon after his return from

*Miller's Recollections of Newbern, November (1874) number of *Our Living and Our Dead*, page 252—"Old Graves in Beaufort," xvi: 890.

an extended sojourn in Europe, leaving one son, John R. D. Shepard, who graduated at the University in 1865, and at present lives in Paris.

4. ANNIE is unmarried: She is the owner of the family mansion in Newbern, and has a Summer residence in Asheville, North Carolina.

5. C. SPAIGHT DONNELL, married Thomas Mundell Keerl, a member of the Bar, now residing in Baltimore. Mr. Keerl was born in Baltimore; educated at Princeton, where he graduated with high honors. His paternal grandfather was of one of the oldest families of Bavaria, whence he came to America and settled as a physician in Baltimore. His father was a merchant of that place. His mother was a native of Prince George's county, Maryland. Her father, Thomas Mundell, was a native of Ayreshire, Scotland, (Burns' birth-place,) and was a pupil of Dugald Stewart, and descended from the celebrated General Leslie, Cromwell's rival. Her mother's mother was a Miss Bowie. Her mother was a Miss Eversfield, descended from Rev. John Eversfield, of the ancient family of Eversfield, of Sussex, England, whence he came to Maryland. He was a clergyman of ability and piety, was possessed of a large estate, and was the uncle of Bishop Claggett, the first Bishop of the Protestant Episcopal Church of Maryland.*

Mr. and Mrs. Keerl have one son living, Eversfield Fraser, now in the sixteenth year of his age; having lost their oldest child, John Robert Donnell, a noble and gifted boy in the fifteenth year of his age, by a stage accident in the mountains of New Hampshire. Their second child, Richard Dobbs Spaight, died at the age of fourteen months, in North Carolina.

JOHN H. WHEELER.

*See Sprague's Lives of the Episcopal Clergy.

APPENDIX.

THE VIEWS OF LORD MACAULAY as to the future of America, as expressed in a letter to Judge H. S. Randall, of Virginia, author of the *Life of Jefferson*, dated "Holly Lodge, Kensington, London, May 23rd, 1857":

"I have been convinced that institutions purely democratic must sooner or later destroy liberty or civilization, or both. In Europe, where the population is dense, the effect would be instantaneous. Either the poor would plunder the rich, and civilization would perish; or order and prosperity would be preserved by a strong military government, and liberty perish. You may think your country enjoys an exemption from these evils. I frankly own to you that I am of a different opinion. Your fate is certain, though it is delayed by a physical cause. So long as you have a boundless extent of fertile and unoccupied land, your laboring population will be far more at ease than the same class in the old world, and, while that is the case, the Jefferson polities may exist without causing any fatal calamity. But the time will come when New England will be as thickly peopled as Old England. Wages will be as low, and fluctuate as much with you as with us. You will have your Manchesters and Birminghams, and in these hundreds of thousands will assuredly be out of work. Then your institutions will be fairly brought to the test. Distress makes the laborer mutinous and discontented, and he listens with eagerness to agitators who tell him that it is a monstrous iniquity that one man should have a million, while another cannot get a full meal. In bad years, it is true we have a plenty of grumbling here in England, and often some rioting. But this matters but little, for here the sufferers are not the rulers. The supreme power is in the hands of a select, of an educated class—of a class which knows itself to be deeply interested in the security of property and the maintenance of order. Accordingly, the malcontents are firmly but gently restrained. The bad times are got over, without robbing the rich to relieve the indigent. The springs of national prosperity soon begin to flow again; work is plentiful; wages rise; and all is tranquility and cheerfulness. I have seen England pass through three or four times such critical seasons as I have described. Through such seasons, the United States must pass in the course of the next century, if not in this. And how will you get through? I heartily wish you a safe deliverance. But my reason and my wishes are at

war, and I cannot help foreboding the worst. It is quite plain that your government will never be able to restrain a distressed and discontented majority—for the majority is the government, and has the rich, who always are in a minority, at their mercy. The day will come when in the State of New York, a multitude of people, none of whom has had more than half a breakfast, or expects to have any dinner, will choose the Legislature. Is it possible to doubt what kind of members will be chosen? On one side is a statesman preaching patience; respect for vested rights; strict observance of public faith. On the other is a demagogue ranting about the tyranny of capitalists and usurers, and asking why any one should be permitted to drink champagne and ride in carriages, while thousands of honest folks are in actual want of necessities. Which of the two candidates is likely to be preferred when he hears his children crying for bread? I seriously fear that you will in some such season of adversity do things which will prevent prosperity from returning—that you will act like people who in a year of scarcity devour all the seed corn, and thus make the next year not one of scarcity but of absolute famine. Then come spoliations—this will only increase the distress; there is nothing to stop you. Your Constitution is all sail and no anchor. When society has entered on the downward progress, either civilization or liberty must perish, or both. Either some Cæsar or Napoleon will seize the reins of government with a strong hand, or your republic will be as fully plundered and laid waste by barbarians in the 20th century, as the Roman empire was in the fifth century, with this difference, that the Huns and Vandals who ravaged the Roman empire came from without, while your Huns and Vandals will have been engendered within your own country by your own institutions."

J. H. W.

FROM BIOGRAPHICAL RECORD OF YALE COLLEGE.

CLASS OF 1838.

Richard Spaight Donnell.

Born at New Berne, N. C., Sept. 20, 1820. His father, Hon. John R. Donnell, descended from an influential family in the North of Ireland; inherited wealth from a relative in this country; came to North Carolina when a youth; was educated in the University of that State and became a distinguished lawyer and judge. The mother of Richard, Margaret Elizabeth Spaight, was the only daughter of Gov. Richard Dobbs Spaight, the Revolutionary patriot, and sister of the younger Gov. Spaight, distinguished in Congress, etc. Our classmate was an only son and lost his mother in his early youth, but retained permanently the impress of her accomplishments and virtues. He was taught in New Berne Academy; entered the class in its Sophomore year, its youngest member; left during the first term of Senior year. He left with us a distinct recollection of his generous impulses and noble spirit. He went to the University of North Carolina, where he was graduated in 1839, receiving the same year the honorary degree from Yale College. He studied law with his father, was admitted to the bar, took an active part in politics on the side of the Whigs, his father being a Democrat. Having made his home in Washington, N. C., in 1848, Mr. Donnell was elected to Congress and took his seat in that body, its youngest member, and just beyond the age required by the Constitution. He was described by a newspaper correspondent as "being fair as a girl, with fine, light, curly hair that any young lady might envy." He was attentive to the duties of his office, and took an active and influential part in the discussions. On the 29th of July, 1848, he delivered a speech of great power and eloquence in the House of Representatives, on the Compromise bill. His influence was always thrown in favor of Union and of a peaceful settlement of the sectional and other questions at issue. Feb. 19, 1849, he made a speech with characteristic ability and earnestness on the bills to establish Territorial governments in California and New Mexico, deprecating the thought of disunion and anticipating the horrors it would involve. He declined a reëlection to Congress, and left that body with a strong impression upon his associates of his honesty and earnestness of purpose, and of his sound sense.

After leaving Congress, Mr. Donnell represented Beaufort County in the Legislature of North Carolina, and was elected Speaker of that body. At the crisis of the civil war, under date of July 16,

1863, he printed in the Raleigh Standard of July 31, a long letter on the "History of Secession." In language at once earnest and temperate, he most eloquently urged the claims of peace, and manifested the continued love for the Union which all his life he had cherished. This paper attracted much attention throughout the country and took rank as one of the most important publications elicited by the war. His next public service was to assist in the revision of the Constitution of the State. Soon after this, his health rapidly failed. He was long a sufferer from gout, which he inherited from his mother's family. He died at New Bern, June 3, 1867.

"Mr. Donnell was one of the most eminent lawyers of North Carolina. Throughout his extensive practice no instance of ungenerous conduct can be remembered, and no case of dishonorable influence operating upon him can be exhibited. Not a syllable questioning his honesty and integrity was ever uttered. Becoming once unexpectedly involved for a friend, he surrendered every dollar of his large estate, and did it with such cheerfulness and alacrity that even his most intimate friends looked on amazed. In the circle of his friends can now be repeated with truth, what was once said of his lamented mother, he was the signal object of respectful homage and esteem, and where he lived its pride and ornament."

Mr. Donnell was never married. Three sisters are living.







